

# Exhibit 7

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

In Re: )  
PHARMACEUTICAL INDUSTRY ) CA No. 01-12257-PBS  
AVERAGE WHOLESALE PRICE ) MDL No. 1456  
LITIGATION ) Pages 1 - 30

CLASS COUNSEL STATUS CONFERENCE  
BEFORE THE HONORABLE PATTI B. SARIS  
UNITED STATES DISTRICT JUDGE

United States District Court  
1 Courthouse Way, Courtroom 19  
Boston, Massachusetts  
September 11, 2007, 10:10 a.m.

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OFFICIAL COURT REPORTER  
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1 Mrs. Howe, for instance, in AstraZeneca -- I see Mr. Wise is  
2 in the courtroom -- she paid 50 percent out of pocket, and  
3 the settlement doesn't accomplish her issue. So it's still a  
4 problem, but we're working together cooperatively. We've had  
5 a call about that to try to resolve that.

6 THE COURT: It's just she's not part of the class.  
7 It doesn't mean that you can't represent her separately on a  
8 separate cause of action. She's just not part of this class  
9 because of the common question issue. But putting that  
10 aside, I need to trust you. Let's get past all the legal --

11 MR. HAVILAND: Sure, absolutely.

12 THE COURT: I need to trust you, and I keep trying  
13 to make sure that if there's a consensus among the  
14 plaintiffs' team, well, I'll trust you. But truthfully, at  
15 this point, I don't trust you. I mean, that sounds like a  
16 very mean thing to say, but, you know, at some point I tell  
17 people, "You make your bed, you lie in it." You know, I put  
18 aside the Stearns things -- well, okay you started a new  
19 chapter -- and then there were all the problems with the  
20 mediation in front of Eric Green, and there was, like, just  
21 this huge human cry about what happened, and I said, "All  
22 right, well, that's contested." And then I got the  
23 affidavits from these class reps saying, "I'm going to pull  
24 out unless it's me," **that makes me worried that you were more**  
25 **concerned about you than you were about the class reps.** And

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1 then I sealed it, and then I see this, and I feel like you  
2 weren't --

3 MR. HAVILAND: I'm concerned about those clients,  
4 your Honor. That's the number one thing.

5 THE COURT: The what?

6 MR. HAVILAND: I'm concerned about those clients.  
7 I've always been concerned about those clients. They're the  
8 folks represented since 2001 in Lupron and this case. This  
9 case is a case that we cocounseled with the Local 68  
10 counsel. We encouraged this coordination for the  
11 Keefe Bartels firm so that your Honor would know fully about  
12 this, as soon as Judge Bassler got appointed with his  
13 experience as a federal judge, that he would speak with you  
14 and that there wouldn't be a problem. We're trying to avoid  
15 that.

16 I think Mr. Jackson will agree, we've worked  
17 cooperatively to make sure that we don't have a problem.  
18 Nobody wants another Lupron. I certainly don't want another  
19 Lupron, your Honor, on my card. I want to see this thing  
20 worked out where everyone is brought to the table.

21 One thing we're disagreeing with defendants on is a  
22 mediation. Judge Bassler spoke at that conference a long  
23 time about mediation. We want the mediation to be here as  
24 part of the mediation your Honor has ordered. The defendants  
25 didn't agree to that. Their cover letter said, "No, we want

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1 something else." So I don't know how that's going to play  
2 out. I suspect Judge Bassler is going to go with his  
3 instincts and order that it happen here. That's certainly  
4 something we encourage.

5 MR. BERMAN: Your Honor, this is Steve Berman.

6 THE COURT: I need some thought from the  
7 plaintiffs' team about what makes sense here, and then I need  
8 to know from the defense team. Although you don't have a  
9 direct role in this, what happens in New Jersey will affect  
10 you. The last thing I want to do is to disqualify him if it  
11 means that every class rep pulls out, and yet I'm worried  
12 here.

13 MR. BERMAN: Let me mention two things on that. If  
14 the class reps pull out, which I think he's -- I don't know  
15 how he can do that consistent with his obligation to the  
16 class, we've done an examination of this; and, unfortunately,  
17 because we didn't want it to be this way, we think 99 percent  
18 of the class reps that he currently has only bought drugs in  
19 2004 or later. And therefore, under your prior rulings, we  
20 actually don't have consumer class reps for most of the  
21 defendants at this point.

22 The second thing -- and I apologize I didn't point  
23 this out earlier -- on the trustworthy issue, when I talked  
24 to Professor Green about this, I think I should disclose to  
25 the Court that he was very upset. I mean, he said he

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1 couldn't call me for two days, he was so angry that  
2 Mr. Haviland would file the internal workings, E-mails back  
3 and forth of the settlement negotiations with the Court in  
4 open court, because one thing you do with Professor Green is,  
5 you sign a confidentiality statement that he thinks is like  
6 the bible of how you have to conduct settlement  
7 negotiations. So he was very upset and concerned that that  
8 happened and is trying to figure out, you know, going  
9 forward, if Mr. Haviland is one of the co-lead counsel, you  
10 know, how could this work.

11 MR. HAVILAND: Your Honor, we sought leave to put  
12 that under seal, and we're still asking you. The request for  
13 that is still before your Honor.

14 THE COURT: When you filed it, did you file it with  
15 a motion to seal?

16 MR. HAVILAND: We sent it to your Honor first as  
17 your Honor had asked for with a request that it be put under  
18 seal, so that if there was --

19 MR. BERMAN: It was filed on the ECF.

20 THE COURT: Was that a mistake in court chambers,  
21 or was that a mistake of counsel?

22 MR. HAVILAND: Well, we don't know, your Honor. We  
23 first sent it to you when your Honor asked for the  
24 declaration, and we asked that it be treated under seal.  
25 The ECF picked it up on the Friday before that hearing. We